

REMARKS

I. Status of the Claims

Upon entry of the present amendment, the word "pharmaceutical" is deleted in claims 39, 58, 62-64, 66, 67, 72-77, and 81-86, whereas the recitation "a physiologically acceptable carrier" is added in claims 39, 58, 62, 66, 72, 73, 81. No new matter is introduced.

II. Claim Rejections

A. 35 U.S.C. §112, First Paragraph: Enablement

Claims 39-41, 58-60, 62-64, 66-68, 72-77, and 81-86 are rejected under 35 U.S.C. §112, first paragraph, for alleged lack of enablement. More specifically, the Examiner contends that enablement is lacking because the claims are drawn to a "pharmaceutical composition." In response to this rejection, the word "pharmaceutical" is deleted from the pertinent claims. The Examiner's concerns are thereby alleviated and the enablement rejection should be withdrawn.

B. Double Patenting

Claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 1, 4, and 10-12 of U.S. Patent No. 7,186,412; claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 1-6 of U.S. Patent No. 6,350,456; claims 38, 57, 61-68, 70, 71, 73, 76, 77, 79, 80, 82, 85, and 86 are rejected under the judicially created doctrine of obvious-type double patenting over claims 7-9, 16, and 21-23 of U.S. Patent No. 7,331,922. In response, terminal disclaimers disclaiming the patent term beyond that of U.S. Patent No. 7,186,412; 6,350,456; or 7,331,922 are filed with this response. The double patenting rejection is therefore overcome.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/724,685

PATENT

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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